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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA  
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12 UNITED STATES OF AMERICA, ) **2:18-cr-009-APG-GWF**  
13 )  
14 Plaintiff, )  
15 v. )  
16 JEREMY BRIAN KELLY, )  
17 Defendant. )  
18 \_\_\_\_\_)

19 **STIPULATION FOR EXTENSION OF TIME**

20 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
21 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the  
22 United States of America, and Raquel Lazo, Assistant Federal Public Defender, counsel for  
23 Defendant JEREMY BRIAN KELLY, that the date for the Government to file a response to the  
24 Defendant's Motion to Suppress Evidence (docket #28) be extended for two weeks.

25 This stipulation is entered for the following reasons:

26 1. The Defendant's Motion was filed and served on October 29, 2018. *See* Docket  
27 #28. The Government's response deadline is on or before November 13, 2018.  
28

1           2.       Undersigned counsel for the Government needs additional time to research the  
2 applicable law and file a response.

3           3.       The Defendant is incarcerated, but he does not object to the continuance of the  
4 Government's response deadline.

5           4.       The additional time requested herein is not sought for purposes of delay, but  
6 merely to allow the Government adequate time to file a response, taking into account due  
7 diligence.

8           5.       Additionally, denial of this request for continuance could result in a miscarriage  
9 of justice.

10          6.       This is the first stipulation filed herein to continue the Government's response  
11 deadline.

12           DATED: November 13, 2018.

13  
14           \_\_\_\_\_  
15           /s/  
16           PHILLIP N. SMITH, JR.  
17           Assistant United States Attorney  
18           Counsel for the United States

19           \_\_\_\_\_  
20           /s/  
21           RAQUEL LAZO  
22           Assistant Federal Public Defender  
23           Counsel for Defendant JEREMY BRIAN KELLY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,	)	<b>2:18-cr-009-APG-GWF</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
JEREMY BRIAN KELLY,	)	
	)	
Defendant.	)	
_____	)	

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The Defendant's Motion was filed and served on October 29, 2018. *See* Docket #28. The Government's response deadline is on or before November 13, 2018.

2. Undersigned counsel for the Government needs additional time to research the applicable law and file a response.

3. The Defendant is incarcerated, but he does not object to the continuance of the Government's response deadline.

4. The additional time requested herein is not sought for purposes of delay, but merely to allow the Government adequate time to file a response, taking into account due diligence.

5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

6. This is the first stipulation filed herein to continue the Government's response deadline.

1 For all of the above-stated reasons, the ends of justice would best be served by a  
2 continuance of the Government's response deadline.

3 **CONCLUSIONS OF LAW**

4 The additional time requested herein is not sought for purposes of delay, but merely to  
5 allow the Government adequate time to file a response, taking into account due diligence. The  
6 failure to grant said continuance would likely result in a miscarriage of justice.

7 **ORDER**

8 IT IS THEREFORE ORDERED, that the previously-scheduled response deadline for the  
9 Government to respond to the Defendant's Motion to Suppress is extended until  
10 \_\_November 27 \_\_, 2018.

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13 UNITED STATES MAGISTRATE JUDGE  
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